

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-7268-2023
Date of decision: 13.04.2023

THE KILLIANWALI CO-OPERATIVE LABOUR AND
CONSTRUCTION SOCIETY LTD.

.....Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Chirag Girdhar, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, Punjab
for respondents No.1 & 2.

Mr. Saurav Verma, Advocate
for respondent No.3 & 4.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 57,14,010/- qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner were allotted two development work vide different work order numbers. The petitioner has completed both these work within the stipulated period of 04 months but the payment of these works has not been

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released till date. The details of these work are mentioned in Para No.3 of the writ petition.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including Legal Notice dated 06.03.20203 (Annexure P-4) have been sent by the petitioner to the respondent No.3-Municipal Corporation, Abohar, District Fazilka through its Commissioner for release of due payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.3-Municipal Corporation, Abohar, District Fazilka through its Commissioner is directed to look into Legal Notice dated 06.03.20203 (Annexure P-4) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Karan Puggal, DAG, Punjab appears and accepts notice on behalf of respondents No.1 & 2.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.3 & 4-Municipal Corporation, Abohar, District Fazilka.

On the asking of the Court, he accepts notice on behalf of respondents No.3 & 4 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

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Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.3-Municipal Corporation, Abohar, District Fazilka through its Commissioner to examine the grievance espoused by the petitioner in the Legal Notice dated 06.03.20203 (Annexure P-4) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)

JUDGE

APRIL 13, 2023

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No